

BILL NO. 83-65
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 83-65 (AS AMENDED)

Introduced by Council President Hardwicke at the request of the County Executive

Legislative Day No. 83-35 Date November 15, 1983

AN EMERGENCY ACT to repeal and re-enact with amendments Section 2-4, heading, Sale and Transfer of Real Property, of Article I, heading, In General, of Chapter 2, heading, Administration, of the Harford County Code, as amended; to provide for the acquisition, disposition and lease of property by Harford County in conformance with state law; and further to provide for the adoption of rules and regulations by the Director of the Department of Procurement to supplement this act.

By the Council, November 15, 1983

Introduced, read first time, ordered posted and public hearing scheduled

on: December 13, 1983

at: 6:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 13, 1983 and concluded on December 13, 1983.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 83-65

AS AMENDED

1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that various sale sections of Section 2-4,
3 heading, Sale or Transfer of Real Property, of Article I,
4 heading, In General, of Chapter 2, heading, Administration, of
5 the Harford County Code, as amended, be, and it is hereby
6 repealed and re-enacted with amendments; and it is hereby added
7 to the Harford County Code, as amended, all to read as follows:

8 [Section 2-4. Sale or Transfer of Real Property.

9 (a) The County is hereby authorized and empowered to
10 lease, trade, sell, convey and exchange any real property
11 together with any improvements thereon.

12 (b) Procedure for Sale or Transfer of Real Property.

13 (1) Prior to County property being sold or otherwise
14 transferred, the property must be declared to be surplus
15 property no longer needed for public purposes.

16 (2) In order to be declared surplus property, the
17 following procedure shall be adhered to:

18 (A) The County Executive shall initiate a study
19 to determine whether the property should be declared surplus.
20 After completion of the study, if the County Executive
21 determines that the property should be declared surplus, he
22 shall forward his recommendations to the County Council.

23 (B) The County Council, after an advertised
24 public hearing, shall decide whether the property should be
25 declared surplus. If the Council rejects the recommendation of
26 the County Executive, the property shall remain County property.

27 If the County Council accepts the recommendation of the County
28 Executive, it shall adopt a resolution declaring that the
29 property is surplus and that the property shall be sold or
30 transferred in accordance with this act.

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1 (c) Format for sale. Sales of real property shall be by
2 public auction, and notice of proposed sales shall be given by
3 publication for three (3) consecutive weeks in two (2)
4 newspapers regularly published in the County. The notice shall
5 state:

6 (1) The place, day, and hour of the sale.

7 (2) The description of the property to be sold.

8 (3) The price below which the property will not be
9 sold.

10 (4) That the property will be sold at public auction
11 to the highest bidder for cash, or for terms acceptable to the
12 Treasurer

13 (5) That the County shall have the right to reject
14 any and all bids.

15 (6) That all costs and expenses, including advertis-
16 ing costs, in connection with the sale of the property, shall be
17 paid by the successful bidder.

18 (7) That all sales are subject to approval by the
19 Board of Estimates.

20 (8) That the proceeds derived from the sale shall be
21 deposited with the County Treasurer.

22 (d) Exempt Transactions.

23 (1) Exempt from the provisions of Section 2-4 are
24 sales of real property to another governmental entity,
25 including, but not limited to, United States government, State
26 of Maryland, other Maryland counties, incorporated towns and
27 cities in Maryland and the Harford County Board of Education.
28 Transfers of County property under this subsection shall be by
29 private sale. Private sale, under this subsection only, shall
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1 include a transfer with or without consideration, an equal
2 exchange of properties of equal or greater value, or a gift of
3 County property to another governmental entity.

4 (2) Surplus property received by the County from the
5 Board of Education of Harford County pursuant to state law, may
6 be transferred by the County to another governmental entity
7 within Harford County upon terms agreeable to the County and the
8 governmental entity. The County may enter into multiple party
9 agreements involving the transfer of Board of Education property
10 if it is in the best interest of the County.

11 (3) Easements for the public utilities may be
12 transferred without compliance with Section 2-4.

13 (4) The transfer of paper roads (roads established
14 by plat or deed, but never utilized as a roadway) are also
15 exempt from the requirements of Section 2-4.

16 (5) The provisions of this Section 2-4 shall not
17 apply to any sale, acquisition, trade, lease or other dis-
18 position of real property undertaken pursuant to Section 266A to
19 266I, inclusive, of Article 41 of the Annotated Code of Maryland
20 (1978 Replacement Volume, 1980 Cumulative Supplement), as
21 amended (Industrial Development Bonds), or pursuant to Sections
22 13-101 to 13-317, inclusive, of the financial institutions
23 Article of the Annotated Code of Maryland (1980), as amended
24 (Maryland Industrial Development Financing Authority).

25 (e) Notice, Objections. All transfers of property
26 pursuant to this Section shall comply with Article 25A, Section
27 5 of the Annotated Code of Maryland.

28 (F) Acquisition, Lease, and Disposition of Real Property.

29 (1) The Director of Procurement is hereby authorized
30 to promulgate rules and regulations pursuant to Section 807 of
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1 the Harford County Charter to govern the acquisition, lease, or
2 disposition of real property in Harford County in accordance
3 with state law, including, but not limited to, compliance with
4 Article 25A, Section 5, of the Annotated Code of Maryland.

5 (2) County Council approval is required for any
6 lease of County property if the lease term is for more than
7 seven (7) years, including renewal or option periods.]

8 SECTION 2-4. ACQUISITION, DISPOSITION AND LEASE OF REAL
9 PROPERTY.

10 (a) ACQUISITION OF REAL PROPERTY.

11 (1) THE COUNTY EXECUTIVE IS AUTHORIZED, ON BEHALF
12 OF, AND IN THE NAME OF HARFORD COUNTY, MARYLAND, TO ACQUIRE BY
13 PURCHASE, LEASE, EXCHANGE, GIFT, OR CONDEMNATION FOR PUBLIC
14 PURPOSE ANY REAL PROPERTY OR INTEREST THEREIN IN THE COUNTY.
15 THE COUNTY EXECUTIVE SHALL NOT UNDERTAKE ANY ACQUISITION BY
16 ~~CONDEMNATION-WITHOUT-THE-COUNTY-COUNCIL, BY-A-MAJORITY-VOTE,~~
17 ~~APPROVING-THE-ACQUISITION-AS-BEING-FOR-PUBLIC-PURPOSES, EXCEPT~~
18 ~~NO-SUCH-APPROVAL-SHALL-BE-REQUIRED-IN-THE-CASE-OF-ACQUISITION~~
19 ~~FOR WATER AND/OR SEWER FACILITIES, AND ROAD AND BRIDGE~~
20 ~~RIGHTS-OF-WAY. CONDEMNATION WITHOUT THE COUNTY COUNCIL, BY~~
21 ~~RESOLUTION, APPROVING THE PUBLIC NECESSITY FOR THE PROPOSED~~
22 ~~CONDEMNATION AND DESCRIBING THE PROPERTY TO BE ACQUIRED WITH~~
23 ~~REASONABLE CERTAINTY.~~

24 (2) NO PROPERTY OR INTEREST THEREIN SHALL BE
25 ACQUIRED, BY CONDEMNATION OR OTHERWISE, UNLESS ADEQUATE FUNDS
26 FOR THE SAME SHALL HAVE BEEN INCLUDED IN THE CAPITAL BUDGET, THE
27 AWARD OF A CONDEMNATION JURY NOTWITHSTANDING. ALL SUCH
28 PURCHASES HEREIN PROVIDED FOR SHALL BE ACCOMPLISHED IN
29 ACCORDANCE WITH ARTICLE V OF THE APPROPRIATE LAWS OF THE STATE
30 OF MARYLAND, THE HARFORD COUNTY CHARTER, PERTINENT SECTIONS OF
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1 THE HARFORD COUNTY CODE, THE MARYLAND RULES OF PROCEDURE
2 PERTAINING TO EMINENT DOMAIN, AND PERTINENT RULES AND REGULA-
3 TIONS PROMULGATED PURSUANT TO HARFORD COUNTY CHARTER SECTION
4 807.

5 (b) DISPOSITION OF REAL PROPERTY.

6 (1) THE COUNTY EXECUTIVE IS AUTHORIZED AND
7 EMPOWERED TO SELL, TRANSFER, EXCHANGE, OR OTHERWISE DISPOSE OF
8 ANY REAL PROPERTY, TOGETHER WITH ANY IMPROVEMENTS THEREON, IF
9 THE PROPERTY IS DETERMINED TO BE NO LONGER NEEDED FOR PUBLIC USE
10 IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

11 a. IN DETERMINING WHETHER THE PROPERTY IS NO
12 LONGER NEEDED FOR PUBLIC USE, THE COUNTY EXECUTIVE SHALL INQUIRE
13 AS TO WHETHER ANY DEPARTMENT, AGENCY, OR OFFICE OF THE COUNTY
14 GOVERNMENT HAS ANY PRESENT USE OR REASONABLY ANTICIPATES FUTURE
15 USE FOR THE PROPERTY. IF NO INSTRUMENTALITY OF THE COUNTY
16 DESIRES TO USE THE PROPERTY, THE COUNTY EXECUTIVE MAY DECLARE
17 THE PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND OFFER THE
18 PROPERTY TO ANOTHER GOVERNMENTAL ENTITY, SUCH AS, BUT NOT
19 LIMITED TO, THE FEDERAL GOVERNMENT, THE STATE OF MARYLAND AND
20 ITS SUBDIVISIONS, AND MUNICIPALITIES WITHIN THE COUNTY. IN SUCH
21 CASE, THE PURCHASE PRICE MAY BE LESS THAN THE APPRAISED VALUE.

22 b. UNLESS OTHERWISE PROVIDED HEREIN, SALES OR
23 TRANSFERS OF REAL PROPERTY SHALL BE BY PUBLIC AUCTION TO THE
24 HIGHEST ACCEPTABLE BIDDER, WITH THE COUNTY RESERVING THE RIGHT
25 TO REJECT ANY AND ALL BIDS. NOTICE OF AUCTION SALES SHALL BE
26 GIVEN BY PUBLICATION ONCE A WEEK FOR THREE (3) CONSECUTIVE WEEKS
27 IN ONE (1) OR MORE NEWSPAPERS OF GENERAL CIRCULATION PUBLISHED
28 IN THE COUNTY, STATING THE TERMS THEREOF AND THE COMPENSATION TO
29 BE RECEIVED THEREFORE, AND GIVING OPPORTUNITY FOR OBJECTIONS
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1 THERETO TO BE FILED WITH THE DIRECTOR OF ADMINISTRATION WITHIN
2 TEN (10) DAYS AFTER THE LAST NOTICE OF PUBLICATION. IN
3 ADDITION THE NOTICE SHALL STATE:

4 1. THE PLACE, DAY, AND HOUR OF THE SALE.

5 2. THE DESCRIPTION OF THE PROPERTY TO BE SOLD.

6 3. THAT THE PROPERTY WILL BE SOLD AT PUBLIC
7 AUCTION TO THE HIGHEST ACCEPTABLE BIDDER FOR CASH OR UPON TERMS
8 ACCEPTABLE TO THE TREASURER AND THE COUNTY ATTORNEY.

9 4. THAT THE COUNTY SHALL HAVE THE RIGHT TO
10 REJECT ANY AND ALL BIDS.

11 5. THAT ALL SALES ARE SUBJECT TO APPROVAL BY
12 THE BOARD OF ESTIMATES IN ACCORDANCE WITH CHAPTER 2, SECTION
13 2-144 OF THE HARFORD COUNTY CODE, AS AMENDED.

14 c. IF IT IS DETERMINED BY THE COUNTY EXECUTIVE
15 AND THE COUNTY COUNCIL (BY A MAJORITY VOTE OF THE COUNCIL) THAT
16 IT IS IN THE BEST INTEREST OF THE COUNTY TO CONDUCT THE
17 DISPOSITION BY OTHER THAN A PUBLIC AUCTION, THE COUNTY EXECUTIVE
18 MAY DISPOSE OF THE PROPERTY BY ANY MEANS HE DEEMS TO BE IN THE
19 COUNTY'S BEST INTEREST.

20 (c) LEASE OF REAL PROPERTY.

21 (1) LEASE OF REAL PROPERTY. THE COUNTY EXECUTIVE IS
22 AUTHORIZED AND EMPOWERED TO LEASE COUNTY PROPERTY IN FURTHERANCE
23 OF PUBLIC PURPOSES. ALL LEASES OF COUNTY PROPERTY SHALL COMPLY
24 WITH ARTICLE 25A, SECTION 5(B) OF THE ANNOTATED CODE OF
25 MARYLAND.

26 (2) COUNTY COUNCIL APPROVAL IS NOT REQUIRED FOR ANY
27 LEASE OF COUNTY PROPERTY UNLESS THE LEASE TERM IS FOR MORE THAN
28 SEVEN (7) YEARS, EXCLUDING RENEWAL OR OPTION PERIODS.

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1 (d) ALL OF THE PROVISIONS OF SECTION 2-4 SHALL BE CARRIED
2 OUT IN A MANNER CONSISTENT WITH SECTION 5(B), ARTICLE 25A, OF
3 THE ANNOTATED CODE OF MARYLAND.

4 (e) EXEMPTIONS.

5 (1) PAPER ROADS OR ROADS CLOSED IN ACCORDANCE WITH
6 CHAPTER 18, SECTION 18-1 OF THE HARFORD COUNTY CODE, AS AMENDED,
7 MAY BE TRANSFERRED OR DISPOSED OF WITHOUT COMPLIANCE WITH THE
8 ADVERTISING AND BIDDING REQUIREMENTS OF THIS SECTION AND MAY BE
9 CONVEYED TO THE ABUTTING PROPERTY OWNERS AFTER PAYMENT OF THE
10 APPRAISED VALUE.

11 (2) REAL PROPERTY CONVEYED TO THE COUNTY BY THE
12 BOARD OF EDUCATION OF HARFORD COUNTY, PURSUANT TO THE EDUCATION
13 ARTICLE, OR ANY OTHER SURPLUS COUNTY PROPERTY MAY BE TRANSFER-
14 RED BY THE COUNTY TO ANOTHER GOVERNMENTAL ENTITY OR AN
15 ORGANIZATION WHICH QUALIFIES AS EXEMPT UNDER THE TERMS OF TITLE
16 26, UNITED STATES CODE, SECTION 501(c)(3), AS AMENDED, WITHIN
17 HARFORD COUNTY UPON TERMS AGREEABLE TO THE COUNTY AND THE
18 GOVERNMENTAL ENTITY OR ORGANIZATION. THE COUNTY MAY ENTER INTO
19 MULTIPLE-PARTY AGREEMENTS INVOLVING THE TRANSFER OF BOARD OF
20 EDUCATION PROPERTY IF THEY ARE IN THE BEST INTEREST OF THE
21 COUNTY.

22 (3) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY
23 TO TRANSFERS IN ACCORDANCE WITH THE CONDITIONS OF THE ORIGINAL
24 GRANT.

25 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY
26 TO ANY SALE, ACQUISITION, TRADE, LEASE, OR OTHER DISPOSITION OF
27 REAL PROPERTY UNDERTAKEN PURSUANT TO ARTICLE 41, SECTION 266A ET
28 SEQ., ENTITLED "THE MARYLAND ECONOMIC DEVELOPMENT REVENUE BOND
29 ACT," OF THE ANNOTATED CODE OF MARYLAND (1982 REPLACEMENT
30 VOLUME) OR ARTICLE 41, SECTION 438 ET SEQ., ENTITLED "THE
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1 MARYLAND INDUSTRIAL LAND ACT," OF THE ANNOTATED CODE OF MARYLAND
2 (1982 REPLACEMENT VOLUME) OR SECTION 13-101 ET. SEQ., ENTITLED
3 "THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY ACT,"
4 FINANCIAL INSTITUTIONS ARTICLE, OF THE ANNOTATED CODE OF
5 MARYLAND.

6 (5) REAL PROPERTY ACQUIRED BY HARFORD COUNTY FROM
7 THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND LOCATED
8 WITHIN THE EDGEWATER VILLAGE SPECIAL ASSESSMENT DISTRICT.

9 (f) RULES AND REGULATIONS. THE DIRECTOR OF PROCUREMENT
10 IS HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO
11 FURTHER IMPLEMENT THIS SECTION IN ACCORDANCE WITH SECTION 807 OF
12 THE HARFORD COUNTY CHARTER.

13 Section 2. And Be It Further Enacted, that this act is an
14 Emergency Act, necessary for the immediate availability of the
15 acquisition and disposition mechanism provided for herein, and
16 this act shall take effect on the date it becomes law.

17 EFFECTIVE: December 21, 1983
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AS AMENDED

BY THE COUNCIL

BILL NO. 83-65 (AS AMENDED)

Read the third time.

Passed LSD 83-38 (December 20, 1983)(with amendments)

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 21st day of December, 19 83
at 3:00 o'clock P.M.

Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 12-21-83

BY THE COUNCIL

This Bill (No. 83-65 (as amended), having been approved by
the Executive and returned to the Council, becomes law on
December 21, 1983.

Angela Markowski, Secretary

EFFECTIVE: December 21, 1983

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AS AMENDED